REMARKS

The Office Action mailed April 22, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claim Status and Amendment to the Claims

Claims 1-8 and 25-84 are now pending.

Claims 9-24 have been withdrawn from consideration as the result of an earlier restriction requirement.

Claims 1, 25, 33, and 70 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. No "new matter" has been added by the Amendment.

In view of the Examiner's earlier restriction requirement, the Applicant retains the right to present claims 9-24 in a divisional Application.

The 35 U.S.C. § 102 Rejection

Claims 1-8 and 25-84 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Skladman et al.[1] [2]

[1] U.S. Patent No. 6,487,278.
[2] Office Action dated April 22, 2005, ¶ 2, p. 2.

This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.[3]

Claim 1 as amended recites:

> A system for providing PBX-integrated unified messaging services on a wide-area network, comprising:
> a corporate communication platform coupled to a switched backbone, integrated with a PBX via a PBX interface, and comprising a slave message mailbox cache; and
> a plurality of system communication platforms coupled to said switched backbone, wherein one such system communication platform comprises a master message mailbox, wherein said slave message mailbox cache is bi-directionally synchronized in real-time with said master message mailbox.

The Examiner states:

> Regarding claim 1, Skladman discloses a system for providing PBX integrated unified messaging services on a wide area network (see Abstract; Figs. 1a and 1b), comprising: a corporate communication platform or enterprise system that provides services to users within a predetermined enterprise, such as a business or government organization (Fig. 1b, 22) coupled to a switched backbone or Internet (Fig. 1, 56) via a router (col. 3, lines 60 67; col. 6, lines 6 7), integrated with a PBX or LDS (Fig. 1a, 48) via a PBX interface or PSTN (Fig. 1a, 62) (col. 3, lines 5 47), and comprising a slave message mailbox cache or voice mail server (Fig. 1a, 50); and a plurality of system communication platforms or disparate messaging systems inherently coupled to said switched backbone (col. 3, lines 60 67; col. 6, lines 21 34), wherein one such system communication platform or unified messaging center (Fig. 1a, 26) comprises a master message mailbox or unified message server (Fig. 1a, 64), wherein said slave message mailbox cache is synchronized with said master message mailbox (col. 4, line 9 – col. 5, line 6).[4]

[3] Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).
[4] Office Action ¶ 2.

The Applicant respectfully disagrees. Skladman et al. discloses a polling and protocol conversion mechanism for interfacing with legacy systems. See, e.g.,

> The JFAX server can *poll* disparate remote messaging systems where the user has pre-existing accounts, including the legacy messaging servers 28, 50, in order to retrieve messages and then store them locally on the unified server 64.[5]

> To facilitate timely delivery of the notices, the notification server 66 can be configured to *poll* the unified message server 64 at predetermined intervals to check for new messages.[6]

> When the phone is in use, the adjunct 44 resets a *polling* interval and waits a predetermined time before trying to dial-up the notification server 66.[7]

> After downloading message information, the adjunct 44 waits a predetermined amount of time before *polling* the notification server 66 to check if additional messages have been received (step 330). In step 332, a check is made to determined whether the *polling* interval has elapse. The microprocessor 300 can execute a software routine providing a timer function for determining the interval. If the interval has not elapsed, the adjunct 44 continues to wait (step 330). If the interval has expired, the adjunct 44 returns to step 322 to repeat the *polling* routine.[8]

Whereas embodiments of the present invention as disclosed and presently claimed recite synchronization, which is both bi-directional and in real-time, between a master message mailbox and a slave message mailbox cache. Independent claims 1, 25, 33, and 70 have been modified to make this distinction more clear. As polling is unidirectional and non-realtime, the Skladman et al. reference is unsupported by the art and should be withdrawn.

Additionally, as detailed below, Skladman et al. is not prior art with respect to the instant application.

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[5] Skladman et al. col. 6 ll. 41-45. (emphasis added)
[6] Skladman et al. col. 7 ll. 16-19. (emphasis added)
[7] Skladman et al. col. 12 ll. 28-31. (emphasis added)
[8] Skladman et al. col. 13 ll. 14-23. (emphasis added)

Skladman et al. issued on November 26, 2002 on an application filed February 29, 2000, less than five months prior to the filing of the instant application. The Applicant can dispose of Skladman et al. as a reference by a showing that the inventor herein invented the subject matter of the claimed invention prior to February 29, 2000, the effective date of the Skladman et al. patent. The showing, a Rule 131 declaration made by the inventor herein establishes invention of the subject matter of the rejected claims prior to the effective date of the reference.

The Declaration sets forth and supported by documentary evidence that as of no later than August 2, 1999, which date is prior to the effective date of the reference, the invention had been reduced to practice. This is patently clear from the materials which were distributed, displayed, and/or made available at an August 2, 1999 meeting, some of which have been attached as Exhibits to the 37 CFR 131 declaration submitted herewith.

It is believed clear that not only had the inventor conceived the invention (evidence has been submitted showing a contemporaneous disclosure *Burroughs Welcome Co. v. Barr Lab. Inc.*, 40 F.3d 1223, 30 USPQ 2d 1915 (Fed. Cir. 1994)) but there has been established an actual reduction to practice prior to the effective or date of the reference, the latter alone being sufficient to establish prior invention (37 CFR 131 *In re Clarke* 356 F.2d 987, 148 USPQ 665 (C.C.P.A. 1966). The rejection herein is based on Section 102, requisite showing has been made, i.e., a Declaration submitted which establishes that the invention was made by the Applicant before the effective date of the reference relied on to show that the invention was anticipated. As Skladman et al. is not prior art, the rejection under 35 U.S.C. § 102(e) of claims 1-8 and 25-84 cannot be maintained.

Dependent Claims 2-8, 26-32, 34-69, and 71-84

Claims 2-8, 41-52, and 69 depend from claim 1. Claims 26-32 and 53-68 depend from claim 25. Claims 34-40 depend from claim 33. Claims 71-84 depend from claim 70. The base claims being allowable, the dependent claims must be allowable for at least the same reasons.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: October 24, 2005

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